



The European Parliament's refusal to give public access to a document concerning its financial contribution to a voluntary pension fund for MEPs

Case opened

Case 53/2023/NK - Opened on 13/01/2023 - Institution concerned European Parliament |

Legal Adviser

Cabinet of the Secretary-General

European Parliament

Dear Mr X,

The Ombudsman has received a complaint against the European Parliament concerning a request for public access to documents related to the Parliament's financial contribution to its voluntary pension fund for Members of the European Parliament.

In its confirmatory decision, the Parliament refused access to one document, a management report of 31 August 2022 on the pension fund. The Parliament based its refusal on the first indent of Article 4(2) of Regulation 1049/2001 (protection of commercial interests).

We have decided to open an inquiry into Parliament's decision to refuse access under Regulation 1049/2001.

Regulation 1049/2001 states that applications for access should be handled promptly. It is in line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the document at issue in the complainant's request, that is, the management report of 31 August 2022 on the pension fund, along with any documentation relating to the consultation of the third party concerned. We would be grateful if the Parliament could provide us with a copy of the requested documents, preferably in electronic format through encrypted e-mail, [1] **by 18 January 2023**.

The document subject to the public access request will be treated confidentially, along with



any other material the Parliament chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

The Parliament's position has been set out in its confirmatory response. However, should the Parliament wish to provide additional views, to be taken into account by the European Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, **by 1 February 2023**.

The inquiries officer responsible for the case is Ms Nina Klubert.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 13/01/2023

[1] Encrypted emails can be sent to our dedicated mailbox.